

RD27416-2

REMARKS

Applicants were required to elect a single disclosed species for each of (A) the amorphous thermoplastic resin in the substrate, (B) the reflective metal layer, and (C) the haze-prevention layer. 10/7/04 Election requirement, page 2, paragraph no. 4.

Applicants respectfully traverse the election requirement both because it is not timely and because a search of the limited number of species would not impose a serious burden on the Examiner.

The requirement to elect species is not timely. Authority for a requirement to elect species is found in 37 C.F.R. § 1.146, which reads, in pertinent part,

In the first action on an application containing a generic claim to a generic invention (genus) and claims to more than one patentably distinct species embraced thereby, the examiner may require the applicant in the reply to that action to elect a species of his or her invention to which his or her claim will be restricted if no claim to the genus is found to be allowable.

37. C.F.R. § 1.146 (emphasis added). Applicants respectfully note that a first office action on the merits was mailed June 30, 2004, and that Applicants filed their response on July 27, 2004. The present election requirement is therefore not timely, as it is not "[i]n the first action on an application."

The requirement to elect species is also unnecessary because a search of the limited number of species would not impose a serious burden on the Examiner. Applicants recognize that restriction/election practice seeks to avoid multiple searches. However, MPEP 803 provides that if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. It is respectfully submitted that the examination of all the species in this application will not place an undue burden on the PTO. Specifically, electronic search capabilities at the Examiner's disposal would allow her to efficiently search the limited number of species described for the amorphous thermoplastic resin in the substrate, the reflective metal layer, and the

RD27416-2

haze-prevention layer. Accordingly, it is respectfully requested that the requirement for restriction be reconsidered and withdrawn.

Recognizing their obligation to include an election of the invention to be examined, Applicants hereby elect, with traverse, the following species:

- (A) polyetherimides as the amorphous thermoplastic resin in the substrate;
- (B) aluminum as the reflective metal layer; and
- (C) plasma-polymerized organosilicone as the haze-prevention layer.


Applicants believe that claims 1, 2, 4-11, 15-19, and 21-23 read on the above elected species.

RD27416-2

If there are any additional charges with respect to this Amendment or otherwise,
please charge them to Deposit Account No. 07-0862 maintained by Assignee.

Respectfully submitted,

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